

# Order

Michigan Supreme Court  
Lansing, Michigan

June 7, 2006

Clifford W. Taylor,  
Chief Justice

130225 & (45)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

JULIE A. MALLISON,  
Plaintiff-Appellant,

v

SC: 130225  
COA: 253668  
Gogebic CC: 03-000004-NI

RANDY SCRIBNER and DOROTHIE RUTH  
LACK, a/k/a DOROTHIE RUTH GRAVES,  
Defendants-Appellees.

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On order of the Court, the motion to strike the application for leave to appeal is DENIED. The application for leave to appeal the November 17, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REMAND this case to the Gogebic Circuit Court for further proceedings. The Court of Appeals and the Gogebic Circuit Court erred in finding, as a matter of law, that as a result of plaintiff's impaired ability to function due to the influence of intoxicating liquor, she was 50% or more the cause of the accident that resulted in her injuries and that she is barred from recovery under MCL 600.2955a(1).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 7, 2006

*Corbin R. Davis*

Clerk